

APPROVED: Meeting No. 1-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 41-81

December 7, 1981

The Mayor and Council of Rockville, Maryland, convened in executive session, at City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, December 7, 1981, at 7:00 p.m. to discuss property disposition.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 8:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on December 7, 1981.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Information Officer Sue M. Patterson; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; Director of Community Development Douglas Horne; Director of Finance John Lawton; Director of Recreation and Park Ronald Olson; City Clerk Helen Heneghan.

Re: City Manager's Report

Mr. Blick reported the following:

1. This week the offices in City Hall were moved to the new addition. and a new phone system was used for the first time. The remodeling now begins in the old portion of the building and should be completed in April.

2. A building permit has been issued for a building in Red Gate on Taft Court of 157,000 square feet in the amount of \$505,000. Another permit was issued for a triplex at the Lutheran Home on Veirs Drive for a total amount of \$450,000. There will be 2,000 square feet in each triplex.

3. The State Highway Administration has given notice to the contractor to proceed with the reconstruction of Veirs Mill Road from Rockville Pike to Woodburn Road.

Re: Proclamation: To Commend
the Richard Montgomery Foot-
ball team and the Rockville
Soccer Team

Proclamation Nos. 13-81 and 14-81

There being no objection from the Council, Mayor Hanra proceeded to issue Proclamations No. 13-81 and 14-81, commending the Richard Montgomery High School Football team and the Rockville High School Soccer team for their attainment of the State Football championship and State Soccer championship respectively. At the request of Mayor Hanna, Councilman Freeland read Proclamation No. 13-81 and Councilwoman Fordham read Proclamation No. 14-81.

The members of both team were present in the audience as were their coaches Allan Avery of Richard Montgomery and Coach Nuzzazi of Rockville High School. Commemorative pins were presented to the members of the teams.

Re: Resolution: To Deny Text
Amendment Application, T-44-81
Rockville Planning Commission,
Applicant, requesting a waiver
of parking requirement
O-2 Transitional Zone

Resolution No. 25-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 25-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying a request to waive the parking requirement in the O-2 zone, was approved by the Mayor and Council.

Re: Resolution: To Deny Map
Amendment Application, M-30-81
and M-31-81, John and Bob, South
Adams Street, Applicant, requesting
the extension of the Transitional
Zone and the placement of 104 and
106 S. Adams Street in the Transi-
tional Zone

Resolution No. 26-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 26-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying a request to extend the Transitional zone and the placement of 104 and 106 South Adams Street in the Transitional Zone, was approved by the Mayor and Council.

Re: Approval of letter to Board
of Education re Derwood Station
students

(At this time Councilwoman Fordham stepped out of the meeting to conduct City business.)

The staff has recommended that a letter be sent to the Superintendent of the Montgomery County School Board for his consideration concerning the transfer of Derwood Station students from the Julius West Middle School/Richard Montgomery High School cluster to the Magruder cluster. It is the staff's feeling that the Board of Education's plan will result in a gross under utilization of the capacity of Julius West and Richard Montgomery, causing them to be prime targets for closure in the future. The Mayor and Council unanimously approved the letter for the superintendent.

Re: Approval of architectural
contract for the Rockville
Pool expansion

On October 19, 1981, the Mayor and Council approved proceeding with the design of the addition to the Municipal Swim Center and applying for a 50 percent Program Open Space Grant to support the project.

In order to proceed with the design, approval is needed to extend the Hughes Group Architects, Inc. contract to encompass the design work. Hughes Group presented a proposal to complete all the work necessary to design the facility at a cost of \$59,600 which represents 5.42 percent of the estimated project cost.

On November 10, 1980, the Council approved of Hughes Group Architects, Inc. to conduct the aquatic facility expansion feasibility report. An extensive process was undertaken to select the architect.

Hughes Group has done an excellent job on the feasibility study and has a proven record on pool design projects. Also, their design fee is very reasonable for this type of architectural design.

Staff recommends that the Hughes Group Architects' contract be extended to perform the required construction design work for the RMSC pool addition in the amount of \$59,600 which represents 5.42 percent of the projected project cost.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Hughes Group Architect contract was extended in the amount of \$59,600.

Re: Adoption of Ordinance: To Amend Chapter 10 of the Laws of Rockville, Sections 10-5.01 through 10-5.17 entitled "Regulation and Licensing of Inns, Apartment Houses, and Other Rental Units", to provide that any violation thereof shall constitute a Municipal Infraction

Ordinance No. 50-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 50-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, was adopted, amending Chapter 10 of the Laws of Rockville, providing that any violation thereof shall constitute a Municipal Infraction.

Re: Citizen's Forum

At this time, the Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Gelman Graves, 14 W. Argyle Street. Mr. Graves referred to the petition previously submitted to the Council requesting the closure to through traffic of Argyle Street. This request was examined and denied by the Traffic and Transportation Commission. Mr. Graves asked for further consideration due to the increase in through traffic flows (At this time Councilwoman Fordham returned to the meeting.)

Mayor Hanna noted that every neighborhood would like to be cut off from the others, but it is all part of a network. He told Mr. Graves that the Mayor and Council would like to give some relief to him and to his neighbors and will look into it just as soon as the Fleet Street extension is completed, because that should alleviate the problem. Councilman Tyner agreed and noted that the TSM study shows decisions can only be made in terms of a larger area.

2. Joseph Lawrick. Mr. Lawrick told the Council that the Park Road and Stonestreet intersection is very poorly designed. A traffic light was funded originally to be completed in April, 1981, now it is being said it will not be completed until November, 1982. He said a serious problems exists that could cause a fatal accident. The City Manager said the staff is overwhelmed with work and hopes to have the traffic signal designed in the spring and installed in September. Mayor Hanna suggested the City Manager look into a small temporary contract so that the work can be done. The City Manager said he would discuss this with Public Works. Councilman Tyner suggested that the

staff look into the sidewalk project for the north side of Park Road at the same time. Councilwoman Fordham suggested it might be time to review the traffic priorities and expedite the process.

3. Beth Carey, President of the Twinbrook Citizens Association. Mrs. Carey told the Council the Citizens Association is now working as a mediator between the neighborhood surrounding the Rockville United Church where there is a proposal to build 88 senior housing units and Rev. Kaseman, the representative of the church. More information will come to the council when it is furnished.

There being no other citizen wishing to be heard before the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Twinbrook neighborhood petition re senior housing proposed
2. D. Patrician, re New Mark Commons Lake
3. W. A. Krebs, re P.O.S. grant for Wootton's Mill Park
4. County Executive response to letter on Economic Development
5. Letters re gun control

Re: Information Items

The Mayor and Council noted the following items of information:

1. Response to citizen complaints
2. Planning Department Status Report
3. Memo from Director of Planning re Consolidated Transportation Program
4. Elwood Smith flyer
5. Memo from Director of Public Works re Paper Recycling and Brown Paper Bags
6. Memo from Director of Planning re State legislation

Councilman Freeland suggested this be placed on a future agenda.
The Council agreed to this.

7. Copy of letter to County Executive re Ride-on

Re: Approval of Minutes: Meeting
No. 38-81, November 9, 1981

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 38-81, November 9, 1981, were approved as written.

Re: New Business

1. Councilman Tyner brought to the Council's attention a letter from George Borsari concerning the Citizens Advisory Committee on Cable TV. He suggested the Council be thinking of an appointment to that committee.

2. Councilman Tyner brought to the Council's attention an item on the Montgomery County Council agenda concerning an increase in the penalty for non-payment of taxes. He suggested the City do the same. The Mayor and Council instructed the attorneys to do so.

3. Councilman Tyner told the Council that he has a proposal in order to give the Mayor and Council informed opinions on issues in the Town Center. He moved, seconded by Councilman Freeland, that the Council appoint a Town Center Advisory Committee composed of five members, two to be appointed in the future and this evening Robert Buchanan, George Karras and Allen Pritchard be appointed.

Mayor Hanna said it may be useful to have such a committee and although the names are of interested citizens, it might be preferable to have a committee made up of those people who have a high standing in the development community on large scale projects. Although the names brought forward are fine people the do not fall into the category of "most usefull", and he plans to abstain.

Councilman Tyner noted that Mr. Pritchard shepherded the Town Center Plan from its beginning; Mr. Karras, before his retirement, was a friend to large developers; and Mr. Buchanan is a developer himself. In common, they love the community and have demonstrated service to the community. Councilwoman Fordham agreed with the proposal and said she feels it will be helpful in the Mayor and Council's deliberation. She would hope it could be appointed and meet in the near future. Councilman Tyner's motion passed, Councilmembers Fordham, Freeland, and Tyner voting aye and Mayor Hanna and Councilman Abrams abstaining.

Councilwoman Fordham moved, that the Clerk set up a meeting with the advisory committee as soon as possible at everyone's earliest convenience. The motion passed unanimously with the Mayor abstaining.

4. Councilwoman Fordham asked that the staff come back with information from Mr. Vandrey, the City's energy coordinator, on the central processing facility and the question of waste. She said it is time the City had a briefing on this. The Council agreed the City Manager would work on this as a future agenda item.

5. The City Manager noted that the letter that had been approved to the Board of Education earlier in the evening contained a reference to the Potomac Springs area and Councilman Abrams has requested that it be deleted. He asked the Council's approval. Councilman Abrams explained that the question was raised at the Potomac Springs area without further clarification in the letter and expanding discussion should be done only with neighborhood notification. The Council agreed the deletion should be done.

6. Councilman Tyner brought to the Council's attention a letter he received from representatives of the Hungerford Park P.T.A. Association, requesting the City join with them in a suit. Councilman Freeland said he did not have any information to make a decision. Councilman Abrams agreed and said he had not seen the letter. Mayor Hanna and Councilwoman Fordham agreed to this. The City Manager told the Council that unless action is taken this evening, Friday is the last date in which the City can join the suit so something should be done or the staff be instructed to keep the option opened to join in the future. Mayor Hanna disagreed and said that the City may want to have its own suit. Becoming a party to this suit can interfere with the City's overall objective of Rockville students in Rockville schools. His opinion was not to join the suit. The Council agreed.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was adjourned for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 12:40 a.m. on December 8, 1981, to convene again in general session on Monday, December 14, 1981, or at the call of the Mayor.